

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Applicants acknowledge with appreciation the indication in the Final Rejection that claims 28-37 and 40 are allowed.

Claims 51-53 stand withdrawn as being directed toward non-elected subject matter.

Claims 41, 43-46, 49, and 50 have been amended so as to comply with the Final Rejection's request for greater clarity.

With regard to the objections applied to claims 42-49, the Final Rejection objects to these claims for allegedly failing to further limit the subject matter of base claim 41 (see Final Rejection page 2, last paragraph and page 6, last paragraph). More specifically, the Final Rejection proposes that claims 42-49 are objectionable because they only recite functional matter without reciting structural elements that perform the function matter (see page 3, lines 3-6, and page 7, lines 2-16).

Similarly, the Final Rejection rejects claims 41-50 as being indefinite for failing to sufficiently recite structural elements (see pages 3-6, and 7-9).

Applicants respectfully submit that the Final Rejection's basis for the applied objections and indefiniteness rejections is unsupported by law. As stated in MPEP 2173.01, an "[a]pplicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought" (see MPEP 2173.01 lines 7-11). As noted by the court in *In re Swinehart*, 439 F.2d 210 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought (see MPEP 2173.01 lines 11-15).

Although the applied objections and indefiniteness rejections are unfounded, for the reasons discussed above, the Applicants have amended claims 41, 43, 45, and 50 to add additional structural elements in an effort to satisfy the Final Rejection's request that Applicants add such elements.

In accordance with the above discussion, the Applicants submit that withdrawal of the objections and indefiniteness rejections is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

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